

NEBRASKA ADMINISTRATIVE CODE

TITLE 270 - NEBRASKA BOARD OF PAROLE

Chapter 5 - Rights of Victims/Witnesses

001 Victims as defined in section 29-119 shall have the following rights:

001.01 To examine information which is a matter of public record and collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of issuance of arrest warrants, arrests, detentions, indictments, charges by information, and other formal criminal charges. Such information shall include any disposition arising from such arrests, charges, sentencing, correctional supervision, and release, but shall not include intelligence or investigative information. (Victims requesting such information shall be referred to the Nebraska State Patrol, Criminal Division Identification Unit.)

001.02 To receive from the county attorney advance reasonable notice of any scheduled court proceedings and notice of any changes in that schedule.

001.03 To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the time and place of the sentencing proceeding and to be notified by the county attorney in writing of the final disposition of the case within thirty days of the final disposition of the case.

001.04 To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the time and place of any subsequent judicial proceedings if the defendant was acquitted on grounds of insanity.

001.05 Within ninety days of conviction of an offender, to be notified of the tentative date of release and the earliest parole eligibility date of such offender.

001.06 To be notified of any parole hearings, to testify before the Board of Parole or submit a written statement for consideration by the board, and to be notified of the decision of and any action taken by the board.

002 Victims and witnesses of crimes shall have the following rights:

002.01 To be informed on all writs of subpoena or notices to appear that they are entitled to apply for and may receive a witness fee.

002.02 To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled in order to save the person an unnecessary trip to court.

002.03 To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts and to be provided with information as to the level of protection available.

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002.04 To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services.

002.05 To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled.

002.06 To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants.

002.07 To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, shall be returned to the person within ten days of being taken.

002.08 To be provided with appropriate employer intercession services to insure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances.

002.09 To be entitled to a speedy disposition of the case in which they are involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter.

002.10 To be informed by the county attorney of the final disposition of a felony case in which they were involved and to be notified pursuant to section 81-1850 whenever the defendant in such case is released from custody.

002.11 To have the family members of all homicide victims afforded all of the rights under subsection (2) of this section and services analogous to those provided under section 81-1847.

003 To receive the notices provided for in section 81-1848, a victim shall keep the county attorney informed of his or her current address and phone number until sentence has been imposed or the final disposition reached in the case in which the victim is involved, whichever is earlier.

004 The County Attorney and the Board of Parole shall have the following duties of notification of victims:

004.01 Upon request of the victim and at the time of conviction of the offender, the county attorney of the jurisdiction in which a person is convicted

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of a felony shall forward to the Board of Parole the name and address of any victim as defined in section 29-119 of the convicted person. The board shall include the name in the file of the convicted person, but the name shall not be part of the public record of any parole hearings of the convicted person. Any victim, including a victim who has waived his or her right to notification at the time of conviction, may request the notification prescribed in this section by sending a written request to the board any time after the convicted person is incarcerated and until the convicted person is no longer under the jurisdiction of the board or the Department of Correctional Services.

004.02 A victim whose name appears in the file of a convicted person shall be notified by the Board of Parole:

004.02A When a convicted person who is on parole is returned to custody because of parole violations. (The Department of Corrections notifies the victim(s) when a convicted person is released from custody.)

004.02B If the convicted person has been adjudged a mentally disordered sex offender or is a convicted sex offender, when such person is released from custody or treatment.

Such notification shall be given in person, by telecommunication, or by certified or registered mail.

004.03 The Board of Parole and the Department of Correctional Services shall adopt and promulgate rules and regulations to carry out this section.

STATUTORY AUTHORITY

81-1848 through 81-1850